

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

LAKE COUNTY ZONING BOARD
March 7, 2012



BOARD OF COUNTY COMMISSIONERS
March 27, 2012

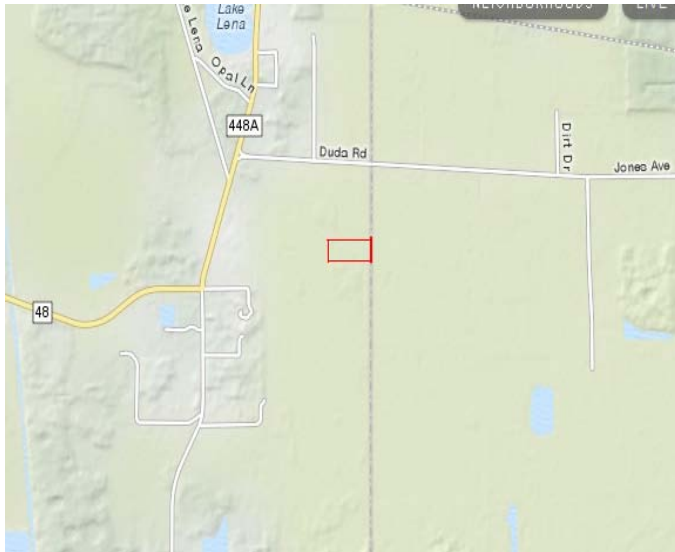
<p style="text-align: center;">PH #25-10-3 Long & Scott Farms/ Orlando North Airpark, Inc.</p>	<p style="text-align: center;">Case Manager: Jennifer M. Cotch, Environmental Specialist</p>	<p style="text-align: center;">Agenda Item # 6</p>
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Applicant: Cecelia Bonifay, Esq (the "Applicant")
Owner: Orlando North Airpark, Inc. (the "Owner")

Requested Action: Amend Community Facility District (CFD) Ordinance #2004-85 to remove specific condition requiring approval of the Board of County Commissioners for any land use change on adjacent property in Orange County.

Site Location and Information

The red outline denotes approximate site location



Size	Approx. 6 acres	
Location	Lake Jem area, south of Duda Ave., along and west of the Lake/Orange Co. Boundary	
Alternate Key #	3824088	
Future Land Use/ Density	Rural/1du per 5 acres	
	Existing Zoning	Proposed Zoning
Zoning District	CFD	CFD
Density	N/A	N/A
Intensity (FAR/ISR)	.50/.70	.30/.70
Joint Planning Area	N/A	
Utility Area	N/A	
Road Classification	Private road	
Flood Zone / FIRM Panel	Zone A and X/Panel 500 7/3/02	
Commission District	3-Connor	

Site Visit(s): February 14, 2012
Sign(s) Posted: February 14, 2012

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Agricultural uses	Long & Scott Farm
South	Rural	Agriculture (A)	Agricultural uses	Long & Scott Farm
East	Orange County		Airstrip	
West	Rural	Agriculture (A)	Agricultural uses	Long and Scott Farm

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed amendment to Ordinance #2004-85 to remove condition requiring approval of the Board of County Commissioners for any land use change on adjacent property in Orange County.

ZONING BOARD RECOMMENDATION:

-Summary of Analysis-

The purpose of the requested rezoning amendment is to delete a condition for Community Facility District (CFD) Ordinance #2004-85. Specifically, the request is to delete the following language from Paragraph I:

"Should Orange County land use approvals be changed, this Ordinance will become null and void unless those changes are approved by the Lake County Board of County Commissioners."

In December 2009, the Applicant and property owner submitted a Future Land Use Amendment to Orange County to change the future land use to Aviation Growth Center (AGC) for the 430.70+/- acres located in Orange County. The Orange County BCC approved the amendment which would allow no residential units, 200,000 square feet of retail/office, 2,800,000 square feet of industrial uses and an airport. Lake County submitted comments to Orange County requesting that the impacts to Lake County roads be addressed in any approved policy due to the Applicant's Traffic Study directing significant trips onto Lake County roads. Orange County included a requirement in the amendment which requires the Applicant to address any Lake County transportation impacts prior to receiving any development approvals from Orange County. A Developer Agreement and Zoning Amendment addressing these impacts were tabled by the Lake County Board of County Commissioners on July 6, 2010 pending resolution of an objection to the amendment filed by the former Department of Community Affairs. This objection was resolved in 2010 and the applicant submitted a revised Developer Agreement in January, 2012. This revised Developer Agreement will be considered by the Board on March 27, 2012 prior to this hearing. The Developer's Agreement further provides that if Lake County does not approve the requested amendment within 90 days of approval of the Developer's Agreement, then the Developer's Agreement becomes null and void.

- Analysis -

(Standards for Review - LDR 14.03.03)

A. Whether the proposed rezoning is in conflict with any applicable provisions of these Regulations;

The proposed amendment of Ordinance #2004-85 to remove a portion of a specific condition does not conflict with any provisions of the Land Development Regulations (LDR).

B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;

The proposed ordinance amendment is consistent with the Comprehensive Plan (Comp Plan) because it does not propose any new uses to what was previously approved. The airstrip is consistent with Policy I-1.4.5 Rural Future Land Use Category which allows unpaved airstrips and Policy I-1.6.7 Specific Limitations on the Long & Scott Farms Property which allow paved airstrip in addition to the uses permitted by Policy I-1.4.5.

C. Whether, and the extent to which, the proposed rezoning is inconsistent with existing and proposed land uses;

The proposed amendment does not create an inconsistency with existing and proposed land uses. However, future expansions of the airport on the adjacent property in Orange County may generate additional air traffic noise and road traffic.

D. Whether there have been changed conditions that require a rezoning;

The Lake County Board of County Commissioners has approved the Developer's Agreement.

E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities;

Lake County Fire Station number 78 covers the project area and is approximately 3.5 miles away. The response time is approximately 7 minutes and 25 seconds.

F. Whether, and the extent to which, the proposed rezoning would result in significant adverse impacts on the natural environment;

The proposed ordinance amendment will not create any significant adverse impacts on the natural environment. Impacts on natural resources will be addressed through the Site Plan Approval process in addition to permitting required by federal and state agencies.

G. Whether, and the extent to which, the proposed rezoning would adversely affect the property values in the area;

The proposed ordinance amendment will not adversely affect property values.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such patterns;

The proposed ordinance amendment will not change the existing development pattern in the area.

I. **Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations;**

The proposed rezoning would be in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

J. **Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.**

None

FINDINGS OF FACT: Staff has reviewed the application for this rezoning request and found:

1. The rezoning application is consistent with Comprehensive Plan Policy 1-1.6.7 allowing a paved airstrip on the Long and Scott Family Farms Property.
2. This application request is consistent with the CFD zoning district pursuant to LDR Section 3.00.02.Z (Airport Zones). The purpose of this district is to ensure that certain Airports, as well as development adjacent to certain airports, are compatible with public safety and safe operation of airborne craft.
3. This application request is consistent with LDR Table 3.00.03 that describes CFD zoning as being allowable within the Rural Future Land Use Category.
4. The application is consistent with the conditions of the attached Developer's Agreement.

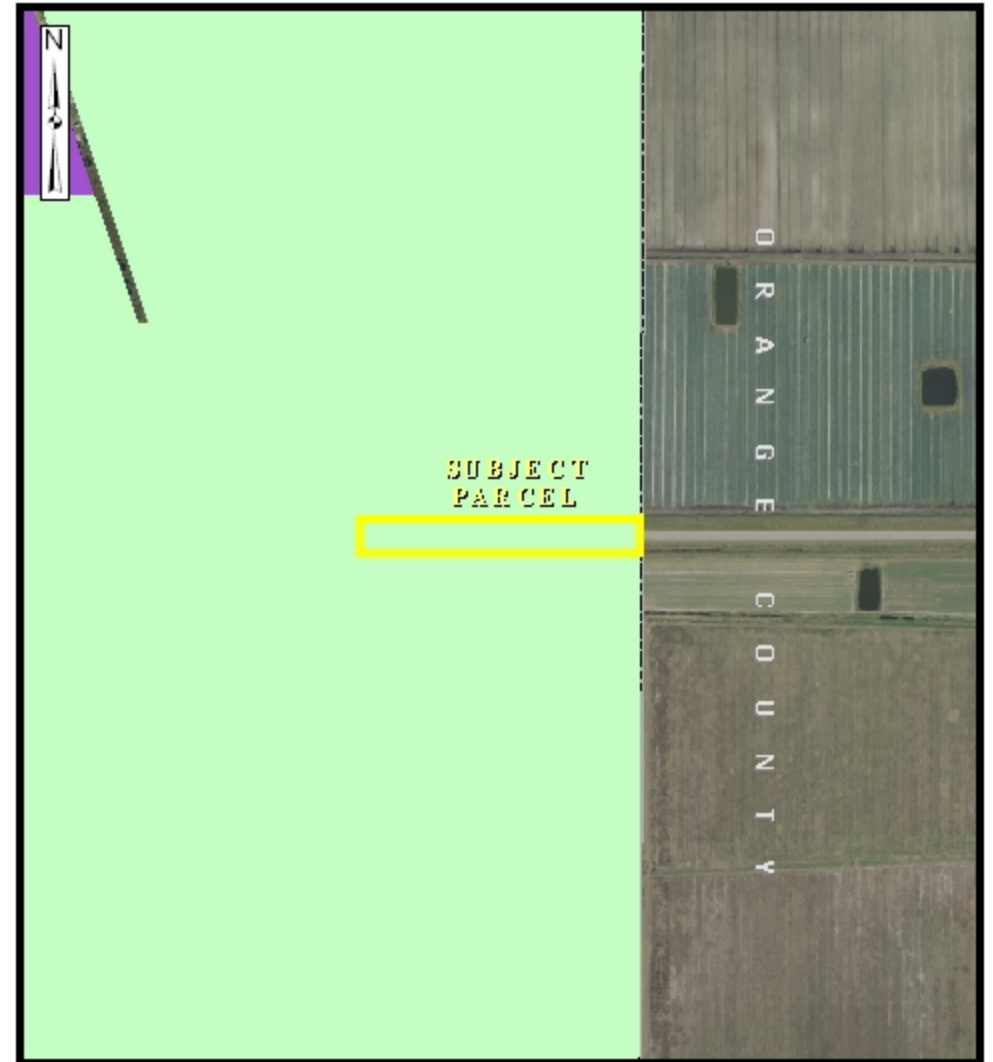
Based on these findings of fact, staff recommends **APPROVAL** of an amendment to Ordinance #2004-85, with conditions.

WRITTEN COMMENTS FILED: **Support: -0-** **Concern: -0-** **Oppose: -0-**



CURRENT ZONING
COMMUNITY FACILITY DISTRICT

0 500 1,000
 Feet



ADOPTED FUTURE LAND USE
RURAL

0 500 1,000
 Feet

**LONG AND SCOTT/
 ORLANDO NORTH
 AIRPORT, INC**

CASE NO.
 PH# 25-10-3

CASE LOCATION:
 25-20-26

REQUESTING:
 Amend CFD Ordinance

ZONING
LAND USE
SUBJECT PARCEL

DISCLAIMER:
 Lake County GIS Department (December, 2006) Aerial Image, Data Completion and Map production compliments of the Growth Management Department, Planning and Community Design.

MAP COMPOSITION:
 JANUARY, 2008

The map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners. It is hereby agreed and personal made no warranty as to its accuracy, and in particular its accuracy as to labeling, dimensions, contours, property boundaries, or placement or location of any map features. Neither the Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE, EXPRESS OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data presented on this map product should be obtained by the user of this map.

FOCUS AREA

LAKE COUNTY FLORIDA

ORDINANCE NO. #2012-xx

PH#25-10-3

Long & Scott Farms/Orlando North Airpark, Inc

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Cecelia Bonifay (the "Applicant") submitted an application on behalf of the Orlando North Airpark, Inc. (the "Owners") to amend Community Facility District (CFD) Ordinance #2004-85 to remove a condition; and

WHEREAS, the Lake County Board of County Commissioners approved Ordinance #2004-85 on November 16, 2004 to rezone property from the Agriculture (A) Zoning District to CFD for a private Airstrip; and

WHEREAS, the subject property consists of approximately 6 acres located South of the Lake Jem Area, south of Duda Avenue, along and west of the Lake/Orange County Boundary in Section 25, Township 20S, Range 26E, lying within Alternate Key #3824088, and more particularly described as:

LEGAL DESCRIPTION:

Commence at the West ¼ corner of Section 30, Township 20S, Range 27E; Thence Run N00°14'57"W Along the West Line of Section 30, A Distance of 344.34 feet for the Point of Beginning; Thence Run S89°28'45"W A Distance of 1454.68 feet; Thence Run N00°31'15"W, A Distance of 180.00 feet; Thence Run N89°28'45"E, A Distance of 1455.54 feet; Then Run S00°14'57"E, A Distance of 180.00 feet to the Point of Beginning, Said Lands Being in Section 25, Township 20S, Range 26E, Lake County, Florida.

WHEREAS, the property is located within the Rural Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Future Land Use Category for this property will be Rural and the proposed use is consistent with the uses allowed in this category; and

WHEREAS, this petition shall rescind and replace Ordinance #2004-85; and

WHEREAS, the Lake County Zoning Board did, on the 7th day of March, 2012 reviewed Petition PH #25-10-3;

AND, after giving Notice of Hearing on petition for a change in the use of land, including notice that said Ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 27th day of March, 2012; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Zoning Board, and any comments, favorable or unfavorable, from the public and surrounding property owners at a Public Hearing duly advertised; and

WHEREAS, upon review, certain terms pertaining to the development of the above described property have been duly approved; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land subject to the following terms and conditions:

1. Terms: The County Manager or designee shall amend the Zoning Map in accordance with this Ordinance. This Ordinance shall rescind and replace Ordinance 2004-85 and mean and include the total of the following:
 - A. Land Uses: Use of the site shall be limited to that of an airstrip extension for an airport facility for single engine and light twin-engine planes located on an adjoining property in Orange County. The airstrip shall consist of:
 - (1) One paved airstrip modification 1,455 feet long, 50 feet wide; and
 - (2) Storm water management areas only; and
 - (3) No other structures or hangars; and
 - (4) Total length and width of area modification is limited to 1,455 feet in length and 180 feet in width including the storm water retention areas.

The following restrictions shall apply:

- (1) Landings and departures are restricted to daylight hours only.
- (2) Lighting of the airstrip after dusk will be prohibited.
- (3) Jets are prohibited from landing or departing from the airstrip.
- (4) Flight and training facilities are prohibited from this airstrip.
- (5) FDOT or FAA approved type wind indicators shall be installed in accordance with FDOT or FAA regulations.
- (6) The object-free area (OFA) extends 200' past the end of the airstrip. Objects non-essential for air navigation or aircraft ground maneuvering purposes are not to be placed in the OFA.
- (7) The runway protection zone (RPZ) extends 1,000' past the end of the airstrip. Prohibited land uses are not allowed inside the RPZ (i.e. residences,

schools, hospitals, office buildings, and any other use of similar concentrations of people, along with land uses that attract wildlife).

- (8) The runway protection zone (RPZ) must be located entirely on the airport owner's property.
- (9) Parachutists, helicopters, hang gliders, ultra lights, and gliders are prohibited.
- B. Development of the site shall be substantially consistent with the development plan submitted and approved. Accessory uses related thereto may be approved by the County Manager or designee. Any other use of the site shall require approval of an amendment by the Board of County Commissioners.
- C. Water or sewer services are not necessary in conjunction with this use within the boundaries of Lake County.
- D. Lighting: All outdoor lighting shall be so shaded and adjusted so the light therefrom is directed on the same premises where such light source is located.
- E. Any and all access to the facility shall be from Orange County.
- F. Floodplain: The applicant shall be subject to the general requirements and construction standards regarding development within a Special Flood Hazard Area.
- G. Permitting: Prior to the issuance of permits, the applicant shall submit a site plan indicating the location of the proposed airstrip. The site plan shall meet all submittal requirements and comply with all County codes and ordinances, Comprehensive Plan, and Land Development Regulations, as amended.
- H. Future Amendments to States, Code, Plan and/or Regulations:

The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations shall include any future amendments to the Statutes, Code, Plan, and/or Regulations, as amended.

Section 2. Conditions as altered and amended which pertain to the above tract of land shall mean:

- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by the Board of County Commissioners.
- B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner

ORDINANCE NO. #2012-xx
(PH#25-10-3) (Long & Scott Farms/Orlando Airport Inc.)

- B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Lake County Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.
- C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental permitting agencies.
- E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in the Land Development Regulations, as amended.
- F. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and to recommend that the ordinance be revoked.

Section 3. Severability: If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this _____ day of _____, 2012.

FILED with the Secretary of State _____, 2012.

EFFECTIVE _____, 2012.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

LESLIE CAMPIONE, CHAIR

ORDINANCE NO. #2012-xx
(PH#25-10-3) (Long & Scott Farms/Orlando Airport Inc.)

ATTEST:

NEIL KELLY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

APPROVED AS TO FORM AND LEGALITY:

SANFORD A. MINKOFF, County Attorney

JUN 21 2011 4:45 |cms

ORDINANCE NO. 2011-08

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING REMEDIAL AMENDMENTS PURSUANT TO SECTION 163.3184(16), FLORIDA STATUTES, IN ACCORDANCE WITH THE COMPLIANCE AGREEMENT, IN THE CASE STYLED *DEPARTMENT OF COMMUNITY AFFAIRS v. ORANGE COUNTY*, DOAH CASE NO. 10-008550GM; AND PROVIDING EFFECTIVE DATES

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Legislative Findings, Purpose, and Intent.

a. On July 1, 1991, the Orange County Board of County Commissioners adopted a new comprehensive plan pursuant to Sections 163.3161 - 163.3215, Florida Statutes, known as the "Local Government Comprehensive Planning and Land Development Regulation Act" ("Act"), which sets forth the procedures and requirements for a local government in the State of Florida to adopt a comprehensive plan and amendments to a comprehensive plan;

b. The Board of County Commissioners ("Board") adopted this comprehensive plan, known as the "1990-2010 Comprehensive Policy Plan" ("1990-2010 CPP") by Ordinance No. 91-16;

c. The Board amended the 1990-2010 CPP numerous times between 1992 and 2000;

d. On December 5, 2000, the Board adopted Ordinance No. 2000-25, which, *inter alia*, renamed the 1990-2010 CPP as the "2000-2020 Comprehensive Policy Plan ("CPP");

e. The Board amended the 2000-2020 CPP a numerous times between 2000 and 2009;

f. On May 19, 2009, the Board adopted the Evaluation and Appraisal Report amendments by Ordinance No. 2009-15, which, *inter alia*, renamed the 2000-2020 CPP as the “2010-2030 Comprehensive Plan” (“2010-2030 Comprehensive Plan” or “Comprehensive Plan”);

g. On June 22, 2010, the Board adopted Ordinance No. 2010-07, which, *inter alia*, adopted Comprehensive Plan Amendment 2010-1-A-2 (Long & Scott Farms), and associated text Comprehensive Plan Amendments 2010-1-B-FLUE-1 and 2010-1-B-FLUE-2 to include Amendment 2010-1-A-2 in Policies FLUE1.2.4 and FLU8.1.4;

h. The State of Florida Department of Community Affairs (the “Department”) issued a “Statement of Intent to Find a Comprehensive Plan Amendment Not in Compliance” on August 20, 2010;

i. Accordingly, pursuant to Section 163.3184(10), Florida Statutes, the Department initiated a proceeding challenging Comprehensive Plan Amendments 2010-1-A-2-1, 2010-1-B-FLUE-1, and 2010-1-B-FLUE-2, styled *Department of Community Affairs vs. Orange County*, DOAH Case No. 10-008550GM;

j. Although the County disputes the allegations of the Department in the Statement of Intent to Find a Comprehensive Plan Amendment Not in Compliance, the County and the Department, through a Compliance Agreement, have agreed to certain actions to modify or remediate Comprehensive Plan Amendment 2010-1-A-2-1, 2010-1-B-FLUE-1, and 2010-1-B-FLUE-2; and

k. The County has complied with the requirements of the Act for adopting remedial amendments to the Comprehensive Plan by approving at consecutive public hearings on June 21,

2011, a Compliance Agreement pursuant to Section 163.3184(16)(c), Florida Statutes, and the remedial amendments pursuant to Section 163.3184(16)(d), Florida Statutes.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 - 163.3215, Florida Statutes, as amended.

Section 3. Remedial amendments. The 2010-2030 Comprehensive Plan, as amended, is hereby further amended by amending policies in the Future Land Use Element and creating the following additional policies in the Future Land Use Element, all to read as follows, with underlines indicating new wording and strike-throughs indicating deleted wording:

FLU1.2.4 The County will continue to monitor the Urban Service Area allocation. Through this process, the following applicants have satisfied these requirements and are recognized as expansion to the Urban Service Area:

* * *

Amendment 2010-1-A-2-1 (447 Acres)

* * *

OBJ FLU7.4 Orange County shall recognize growth as a regional issue and shall use Growth Centers as an effective planning tool to allow, address and guide urban-scale, single-purpose public or quasi-public uses that serve a regional purpose or market and require a location outside the Urban Service Area. ~~urban intensities in the Rural Service Area. These urban uses shall be allowed contiguous to urban development, which has occurred outside and adjacent to the boundaries of unincorporated Orange County through the extension of urban services and facilities from the adjacent local government.~~ Growth Centers established prior to June 21, 2011, and which would not be consistent with the provisions of this Objective or associated

Policies, shall be permitted to continue subject to the FLU Goals, Objectives and Policies under which the Growth Center was originally approved.

FLU7.4.1 Establishment of new, or Extensions of existing ; Growth Centers shall only be accomplished through: amendment to the Comprehensive Plan pursuant to Chapter 163, Florida Statutes; and established only as part of: a Joint Planning Area agreements, that is consistent with the Intergovernmental Coordination Element as applicable and only by amendment to the Comprehensive Plan, pursuant to Chapter 163, Florida Statutes; or, through a Service agreement between Orange County and a duly established Authority enabled to provide or secure an adequate level of urban public facilities and services to serve the use(s) for which the Authority is responsible, or to enter into agreements with other service providers for the provision of all necessary public facilities and services. If appropriate, the Joint Planning Area agreements shall define the Growth Center boundary and establish Future Land Use Map designations, infrastructure and utility provision, and development regulations.

FLU7.4.2 After the adoption of a Joint Planning Area or Service agreement, the Future Land Use Map may be amended to reflect the boundaries and future land use of Growth Centers after, if other CP and application requirements are met.

* * *

FLU7.4.5 Development in Growth Centers shall only occur when someone other than Orange County incurs the initial capital cost of the required urban facilities and the incremental cost of the required urban services. Consistent with applicable law, paybacks shall be implemented with respect to future users benefiting from the supplied facilities and services; but such paybacks shall not be from Orange County except as a conduit.

The provision of services by Orange County may be permitted when all of the following criteria are met:

- A. The connection point(s) to Orange County facilities exists within two (2) miles (as measured along existing road right-of-way) of the proposed “affordable housing development;”
- B. Capacity is available at the time of the requested Growth Center amendment; and
- ~~C. The property is located adjacent to the Reedy Creek Improvement District; and~~
- DC. Extension of services and facilities and reservation of capacity is at the expense of someone other than Orange County

* * *

FLU7.4.7 Expansion of a ~~the~~ West 192 Growth Center/Resort/PD shall occur only by amendment to the Comprehensive Plan pursuant to Chapter 163, Florida Statutes, and shall be considered pursuant to the criteria defined herewith.

- ~~1~~A. A minimum of 200 gross acres to ensure establishment of at least one integrated development.
- ~~2~~B. Each comprehensive plan amendment request must be immediately adjacent to the existing U.S. 192 Growth Center or immediately adjacent to an established Growth Center/Resort/PD in order to eliminate urban sprawl or leapfrogging of development. Growth Center/Resort/PD development must also be consistent with Ordinance 96-11 related to Growth Centers. Each comprehensive plan amendment must demonstrate clearly defined rationale for separating from the Rural Service Area or Horizon West and establishing a Growth Center/Resort/PD in accordance with JPA

requirements and other policies defined herewith.

- C. In general, the overall planning evaluation to establish ~~a~~ and/or expand the West 192 Growth Center/Resort/PD shall include but not be limited to:
- A~~1~~. Adjacent land use compatibility in the transition of urban to rural areas and proposed internal plan compatibility as it relates to transition of land uses from a tourist orientation to a permanent community orientation envisioned by Horizon West.
 - B~~2~~. Availability of central sewer/water transmission facilities within two miles of the subject site, consistent with the Orange County Comprehensive Plan (e.g., Objective 7.4).
 - C~~3~~. Separation of land by collector or arterial roadways, natural resource areas or the ability to plan upland buffer areas to separate resort planned developments from existing or planned permanent residential neighborhoods of Horizon West.
 - D~~4~~. Avoidance of premature conversion of active agricultural land areas.
 - E~~5~~. Each specific comprehensive plan amendment will be independently evaluated by Orange County in context of the remaining Horizon West Village Land Use Classification and the adjacent Growth Center.
 - F~~6~~. When a comprehensive plan amendment is approved by the Board of County Commissioners, the net

developable acreage allocated for urban development by the small area analysis shall be counted as Urban Service Area allocation.

FLU7.4.8 A portion of the West Orange Aviation District, the District, is established as an Aviation Growth Center (AGC). The purpose of the AGC is to anticipate and coordinate development related to future establishment of a general aviation facility within the District. The AGC is a unique application of the Growth Center concept established in Policies FLU7.4.1 through FLU7.4.7. The policy framework established by FLU7.4.8 through FLU7.4.11 shall apply to future expansions of the AGC, if any. AGC implementation shall be accomplished through a two-part process, referred to herein as Boundary Designation (Part I) and Master Plan (Part II).

A. Until such time as all of the requirements of FLU7.4.10 have been completed, no further new development entitlements under the AGC Future Land Use designation shall be approved by Orange County. Existing or proposed land use entitlements consistent with the Rural FLU designation or permitted by a prior approved development order shall continue or may be considered for approval by Orange County.

B. Annexation of lands within the District and the AGC to the municipal boundary of the City of Apopka shall not occur unless and until Orange County agrees with Apopka to amend the 2004 Joint Planning Agreement, as amended, for the Joint Planning Area between the County and the City.

FLU7.4.9 The Part I process shall begin upon County approval and execution of a Compliance Agreement with the Florida Department of Community Affairs and amendment of the Comprehensive Plan to adopt Policies FLU7.4.8 through FLU7.4.11, and shall conclude with County approval and incorporation by reference into the Comprehensive Plan of the

West Orange Aviation Authority Airport Master Plan. The Boundary Designation for the AGC shall incorporate the following.

A. Authorization of development entitlements encompassing 2.8 million square feet of industrial land uses, 50,000 square feet of commercial uses, 150,000 square feet of office land uses, and 750,000 square feet of airport-related land uses. These development entitlements explicitly apply to the 447-acre parcel known as the “Long and Scott Property” and referred to herein as the Property. The Property’s legal description is hereby incorporated as **Exhibit 1**. A color map of the Property (which shows the property boundaries and Remedial Future Land Use designation for comparison) is hereby incorporated as **Exhibit 2**. Development consistent with the authorized entitlements and consistent with the provisions and requirements contained within Objective FLU 7.4 and associated policies may be approved by the County in conjunction with establishment of a Planned Development (PD) zoning district for the Property or any portion thereof. These authorized entitlements shall not be contractually allocated among any current or future owners of the Property prior to approval of an entitlement through the PD zoning process. Accordingly, the County shall not recognize any contractual allocations occurring prior to approval of the PD zoning. For the purposes of Boundary Designation, the Property shall be considered as two tracts, referred to as the northern and southern tracts. No residential subdivision/development shall be permitted on either the northern or southern tract.

B. The northern tract refers to that portion of the AGC north of Jones Road. Development of this tract shall not be permitted unless and until such time as: 1) an agreement between the property owner, Orange County, the

West Orange Aviation Authority and any other agency or unit of local government with jurisdiction has been approved by all parties to address the financial and operational responsibilities for improvement and maintenance of Jones Road and any other public facilities or services necessary to maintain acceptable levels of service for the full complement of entitlements referenced in these Policies; and, 2) the West Orange Aviation Authority has officially adopted an Airport Master Plan, and the applicable local governments have amended their respective Comprehensive Plans and/or development regulations to implement the land use and development recommendations of the Airport Master Plan. Prior to accomplishment of the conditions described in this paragraph, the northern tract shall be permitted to develop consistent with provisions of the Rural Future Land Use designation and existing zoning applicable to the tract. In addition, an algae-based biofuels production facility (land and facilities) shall continue to be a permitted use pursuant to a letter from the Orange County Zoning Division Manager to the property owner, attached hereto as **Exhibit 3**. The Wekiva open space standard on the northern tract shall be 25% for non-residential development.

- C. The southern tract refers to the portion of the AGC south of Jones Road. Development of this tract shall not be permitted unless and until: 1) an agreement between the property owner, Orange County, the West Orange Aviation Authority and any other agency or unit of local government with jurisdiction has been approved by all parties to address the financial and operational responsibilities for improvement and maintenance of Jones Road and any other public facilities and services necessary to maintain acceptable levels of service for the full complement of urban land uses referenced in this Policy;

and, 2) the West Orange Aviation Authority has officially adopted an Airport Master Plan and the applicable local governments have amended their respective Comprehensive Plans and/or development regulations to implement the land use and development recommendations of the Airport Master Plan. Prior to accomplishment of the conditions described herein, the southern tract shall be permitted to develop: consistent with provisions of the Rural Future Land Use designation; up to the maximum entitlement of 90,000 square feet of airport-related uses authorized by these policies; or up to a maximum of 750,000 square feet of airport-related uses authorized by these policies contingent upon execution of an interim agreement between the property owner and service provider(s) for provision of public facilities and services necessary to maintain acceptable levels of service for the 750,000 square feet of airport-related uses. Per FLU8.1.1, (the County's Future Land Use and Zoning Correlation Table) the PD rezoning process may determine the final allocation of improvements for airport and airport-related uses, and ancillary office and commercial uses. Permitted zoning uses may include aircraft hangers/storage, aircraft maintenance, pilot services, fixed based operation, technical aviation training facilities, avionics assembly and testing, aviation schools and museums, as well as ancillary warehouse storage, office and retail to support the above listed airport/aviation uses. Pursuant to FLU8.2.6, Orange County retains authority to implement additional conditions it deems appropriate to ensure enforcement of its future land use designations. Development existing on the southern tract as of the date of approval of these policies shall be permitted to continue and shall be deemed to be a part of the entitlements authorized for the Property. The Wekiva open space standard for non-

residential development on the southern tract shall be 25%. The West Orange Aviation Authority and/or the owner or owners of the Property shall enter into an agreement for provision of potable water and sanitary sewer services with a local government or service provider other than Orange County.

- D. Should the conditions of FLU7.4.9 above be accomplished prior to issuance of a Development Order for an Application for Development Approval of a Development of Regional Impact (ADA/DRI) for the West Orange Growth Center/Aviation Authority, the owner of the Property shall request the applicable local government and DRI administrative agency to determine if the land use program referenced herein for the Property is subject to the requirements of Chapter 380, Florida Statutes, for submission and review of an ADA/DRI. If the authorized or approved entitlements are determined to qualify as a DRI, no development of the Property shall occur until such time as a Development Order has been issued encompassing the authorized or approved entitlements.

FLU7.4.10 Part II of the West Orange Aviation District/Growth Center Master Plan process comprises a number of sequential steps and products including all of the following. The Master Plan shall not be deemed to be final until all of the steps and products have been completed. Any entitlement referenced under FLU7.4.9 and subject to an Airport Master Plan shall not be approved unless and until the Airport Master Plan is adopted by the West Orange Aviation Authority (WOAA).

- A. Approval of a Preliminary Feasibility Study by the Florida Department of Transportation and the Federal Aviation Administration that authorizes the WOAA to proceed with preparation of a Final Site Selection Study.

- B. Approval of a Site Selection Study by the Florida Department of Transportation, Federal Aviation Administration and any local government with jurisdiction, which delineates the approved location and alignment of facilities associated with the general aviation facility.
- C. Inclusion of the West Orange General Aviation Facility in the Florida Aviation System Plan, and in the National Plan for Integrated Airport Systems (NPIAS). Approval and coordination by WOAA, the St. Johns River Water Management District, Orange County and any other entity with jurisdiction, of an Airport Master Plan that encompasses all lands and waters within the jurisdictional boundary of the District and the boundary of the Aviation Growth Center Future Land Use designation.
- D. Execution of an agreement between WOAA and a potable water and sanitary sewer service provider other than Orange County, for delivery of such services for the use and benefit of all uses within the AGC. The agreement shall include or reference, at a minimum, a capital improvements program for delivery of necessary potable water and sanitary sewer services. The capital improvements program made part of the agreement may be phased. In addition, the agreement must demonstrate that the Orange County Fire Rescue Department, or other applicable agency charged with fire protection responsibilities for the AGC or any portion thereof, has determined that the development can be serviced by adequate fire flow in the event of an emergency.
- E. If statutorily required, issuance of a development order by the applicable local government with jurisdiction pursuant to an ADA/DRI pursuant to the requirements of Chapter 380, Florida Statutes.

F. Execution of an agreement between WOAA, the County, and any other entity with jurisdiction, for improvement and maintenance of existing roads within the District for which the County has jurisdictional responsibility. Improvement and maintenance of existing roads is related to the development impacts associated with the development of the District for airport-related uses.

G. The Airport Master Plan shall include and address requirements and responsibility for, and methods of financing for all public facilities and services required to support and maintain the general aviation airport and all planned ancillary uses and development included within the AGC.

FLU7.4.11 Both the northern and southern tracts of the Property, and ultimately the remaining portions of the Aviation Growth Center, are subject to all applicable site and construction plan requirements and all other applicable Orange County ordinances and regulations. This includes the ability to require additional use and access restrictions, buffers, transitional techniques, fencing and signage limitations as necessary to manage the development of AGC properties in a manner that recognizes the surrounding rural character and environmental values of the region. This also includes the ability to impose master development controls and additional environmental safeguards, should such requirements be deemed necessary based on the circumstances.

[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.]

FLU 8.1.4 The following table details the maximum densities and intensities for the Planned Development (PD) Future Land Use designations that have been adopted subsequent to January 1, 2007.

Amendment #	Adopted FLUM designation	Maximum Density/Intensity	Ordinance
***	***	***	***
2010-1-A-2-1 <u>Aviation Lake</u> <u>Apopka</u> Growth Center (AGC)	Creation of a New Growth Center (GC) <u>AGC</u> -Planned Development – Aviation/Industrial/Commercial/Office (PD-Aviation/IND/C/O) <u>See also FLU7.4.8 through FLU 7.4.11</u>	750,000 s.f. Aviation related uses; 2,800,000 s.f. Industrial; 50,000 s.f. Commercial; 150,000 s.f. Office; All impacts to the Lake County transportation network shall be mitigated. Transportation impacts on Lake County’s transportation network shall be addressed prior to PD/LUP approval.	2010-07 <u>2011-08</u>
***	***	***	***

Section 4. Effective dates for ordinance and remedial amendments. This ordinance shall become effective as provided by general law, but pursuant to Section 163.3189(2)(a), Florida Statutes, and Rule 9J-11.011, Florida Administrative Code, the plan amendments described in this ordinance shall not become effective until the Department of Community Affairs issues a final order determining the adopted amendments to be in compliance in accordance with Section 163.3184(9), or until the Administration Commission issues a final order determining the adopted amendments to be in compliance in accordance with Section 163.3184(10). If a final order of non-compliance is issued by the Administration Commission, these amendments may nevertheless be made effective pursuant to Section 163.3189(2)(b) by adoption of a resolution at a public meeting after public notice, a copy of which resolution shall be sent to the Department of Community Affairs. However, no development orders, development permits, or land uses dependent on these amendments may be issued or commence before those amendments have become effective. Notwithstanding

anything to the contrary in this Section 4, the Department of Community Affairs' notice of intent to find an amendment in compliance shall become an issued final order determining the adopted amendment to be in compliance if no petition challenging the amendment is filed within 21 days of the date of publication of the notice of intent.

ADOPTED THIS 21st DAY OF JUNE, 2011.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk to the Board of County Commissioners

By: *Martha O. Haynie*
Deputy Clerk



Exhibit 1

**Legal Description
Long & Scott Farms – Growth Center**

That portion of the below-described property lying in Orange County, Florida, to wit:

Parcel B (Orange County Property):

Parcel B.1

That part of the SW 1/4 of Section 19, Township 20 South, Range 27 East, Orange County, Florida, lying South of the Zellwood-Lake Jem Road. Also, the NW 1/4 of Section 20, Township 20 South, Range 27 East, Less the following described property:

BEGIN at the SW corner of the NW 1/4 of Section 30, Township 20 South, Range 27 East, run S 89°01'32"E, along the South line of the said NW 1/4, 2457.63 feet to the point of beginning; thence run S 89°01'32"E, 100 feet to the SE corner of said NW 1/4; run thence N 01°53'16" W along the East line of said NW 1/4 2,414.78 feet to the NE corner of said NW 1/4, said corner also being the SE corner of the SW 1/4; said corner also being the SE corner of the SW 1/4 of Section 19, Township 20 South, Range 27 East; run thence N 01°00'05" W along the East line of said SW 1/4 1439.85 feet, to a point located on the Southerly right of way of a county road; run thence N 87°12'47" W a distance of 200 feet along the Southerly right of way of said county road; thence run S01°07'05" E, a distance of 1439.85 feet; thence run S 87°12'47" E a distance of 100 feet; thence run Southerly to the point of beginning.

LESS AND EXCEPT that portion of subject property lying within the lands conveyed in OR Book 7179, Page 4105 and in OR Book 7199, Page 569, public records of Orange County, Florida, described as follows:

BEGINNING AT THE NORTH 1/4 CORNER OF SECTION 30, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN S 01°53'16" E ALONG THE NORTH-SOUTH CENTER OF SECTION LINE A DISTANCE OF 2414.78 FEET; THENCE RUN N 89°01'32" W A DISTANCE OF 300.73 FEET; THENCE RUN N 00°14'57" W A DISTANCE OF 403.35 FEET; THENCE RUN S 89°28'45" W A DISTANCE OF 2,245.23 FEET; THENCE RUN N 00°14'57" W A DISTANCE OF 180.00 FEET; THENCE RUN N 89°28'45" E A DISTANCE 2,240.08 FEET; THENCE RUN N 01°53'16" W A DISTANCE OF 1,818.40 FEET; THENCE RUN N 01°07'05" W A DISTANCE OF 1,462.34 FEET TO THE SOUTH RIGHT OF WAY LINE OF DUDA AVENUE-JONES ROAD; THENCE RUN S 87°12'47" E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 300.70 FEET; THENCE RUN S 01°07'05" E ALONG THE NORTH-SOUTH CENTER OF SECTION LINE OF SECTION 19, TOWNSHIP 20 SOUTH, RANGE 27 EAST A DISTANCE OF 1,439.85 FEET TO THE POINT OF BEGINNING.

PARCEL B.2

Begin at the SE corner of the NE 1/4 of Section 19, Township 20 South, Range 27 East, Orange County, Florida; thence run N 0°16' W 1458.4 feet along the East line of said Section 19, Township 20 South, Range 27 East, to the South right of way line of the Seaboard Airline Railroad; thence run N 80°39' W along said South right of way line 778.75 feet; thence run S

1525.41 feet to the North line of the S 1/4 of said Section 19, Township 20 South, Range 27 East for the point of beginning of this description; from said point of beginning run thence N 85°36'50" W along the North line of said SE 1/4 of Section 19, Township 20 South, Range 27 East 1529.42 feet; thence run S 1264.23 feet to the N. right of way of County Road (Zellwood-Lake Jem Road); run thence S 86°12' E along said North right of way line 1528.35 feet; run thence N.1248.63 feet to the point of beginning.

PARCEL B.3

Begin at the SW corner of the NW 1/4 of Section 19, Township 20 South, Range 27 East, in Orange County, Florida, said point being the SW corner of J. A. HUDSON'S ADDITION TO VICTORIA, as per plat thereof recorded In Plat Book A, page 58, Public Records of Orange County, Florida; run thence N 0°35'50" E 754.0 feet along the West line of said Section 19; thence run S 85°36'50" W 869.94 feet; thence run N 7°01'20" E 316.63 feet; thence run S 80°39' E 287.97 feet; thence run S 0°01'20" W 1045.6 feet to the SE corner of the said HUDSON'S ADDITION; thence run South 1281.51 feet to the North right of way line of County Road (Zellwood-Lake Jem Road); thence run N 86°12' W along said North right of way line 1176.15 feet to the West line of said Section 19; thence run N 0°37'40" E 1291.95 feet to the point of beginning.

ALSO lots 6, 7 and 8 in J.A. HUDSON'S ADDITION TO VICTORIA, a subdivision In Orange County, Florida, according to plat thereof recorded in Plat Book A, page 58, Public Records of Orange County, Florida. ALSO: From the SE corner of Lot 8 in J.A. HUDSON'S ADDITION TO VICTORIA, thence run N 0°01'20" E along the East line of said Lot 8 a distance of 400 feet to the point of beginning. From said point of beginning, run thence S 83°17'40" E 132.8 feet; thence run N 4°32' East 359.1 feet to the Southerly line of the right of way of the Seaboard Coast Line Railroad; thence run N 80°39' W along the said Southerly right of way 162.18 feet to a point on the East line of said Lot 8; thence run S 0°01'20" W along the East line of said Lot 8 a distance of 368.2 feet to the point of beginning.

ALSO Lot 9, less the East two acres of J.A. HUDSON'S ADDITION TO VICTORIA, according to the plat thereof, as recorded in Plat Book A, Page 58, Public Records of Orange County, Florida.

ALSO Lot 5 in J.A. HUDSON'S ADDITION TO VICTORIA, according to the plat thereof, as recorded in Plat Book A, Page 58, Public Records of Orange County, Florida.

LESS, begin at the NE corner of Lot 9 of HUDSON'S ADDITION TO VICTORIA, according to plat thereof as recorded in Plat Book A Page 58, Public Records of Orange County, Florida; thence run along the North line of Lot 9, N 80°45'50" W 528.50 feet; thence run S.1286.83 feet; thence run E.521.24 feet to a point in the center of an unpaved drive; thence N. 156.40 feet to a point, said point being the SE corner of Lot 10; thence run along the East line of Lot 10, N 0°01'20" E 1045.60 feet to the point of beginning, TOGETHER with a 30 foot easement for road granted In Warranty Deed recorded November 10, 1975 in OR Book 2658, Page 864, over the following described property:

Begin at the Northeast corner of Lot 9, according to Plat Book A, Page 58, Public Records of Orange County, Florida; Then run along the North line of Lot 9 N 80°45'50" W 528.50 ft., Thence Run South 1286.83 ft., Thence run East 521.24 ft. to a point in the center of an unpaved drive; Thence North 156.40 ft. to a point, said point being the Southeast Corner of Lot 10; Thence run along the East line of Lot 10 N 0°01'20" E 1045.60 ft. to the point of beginning;

Parcel B.4

Begin at the SE corner of the NE 1/4 of Section 19, Township 20 South, Range 27 East, Orange County, Florida; run thence N 0°16' W along the East line of Section 19 1458.4 feet to the South right of way line of Seaboard Airline Railroad; thence run N 80°39' W along the right of way line to the East line of the W 1/4 of the NW 1/4 of the NE 1/4 of Section 19, Township 20 South, Range 27 East; thence run S 0°02'30" E 374.3 feet to the SE corner of the W 1/2 of the NW 1/4 of the NE 1/4 of Section 19; thence run N 87°32'55" W 298.54 feet for the POB of this description; from said POB run South 2523.9 feet to the North right of way line of County Road (Zellwood-Lake Jem Road); thence N 86°12' W along said North right of way line 1659.3 feet; thence run North 1281.51 feet to the SE corner of J.A. HUDSON'S ADDITION TO VICTORIA, according to plat thereof as recorded in Plat Book A Page 58, Public Records of Orange County, Florida; thence N 0°01'20" E along the East boundary, of said HUDSON'S ADDITION 1445.6 feet; thence S 83°17'40" E 440.8 feet; thence run N 0°17' E 348.0 feet to the South right of way line of the Seaboard Airline Railroad; thence S 80°39' E 800.26 feet; thence S 0°02' W 455.9 feet; thence S 87°32'55" E 366.58 feet to P.O.B.

From the SE corner of Lot 8 J.A. HUDSON'S ADDITION TO VICTORIA, a subdivision of Section 19, Township 20 South, Range 27 East, according to plat thereof recorded in Plat Book A, Page 58, Public Records of Orange County, Florida; thence run North 0°01'20" East along the East boundary of said HUDSON'S ADDITION 400 feet; thence run South 83°17'40" East, 132.8 feet for POINT OF BEGINNING. From said point of beginning run thence North 4°32' East 359.1 feet to the South right of way line of Seaboard Airline Railroad; thence run South 80°39' East along right of way line 283 feet; thence run North 83°17'40" West 308 feet to POINT OF BEGINNING.

Said property also being described as Orange County Parcel ID Numbers: 19-20-27-0000-00-003, 19-20-27-0000-00-008, and 30-20-27-0000-00-001.

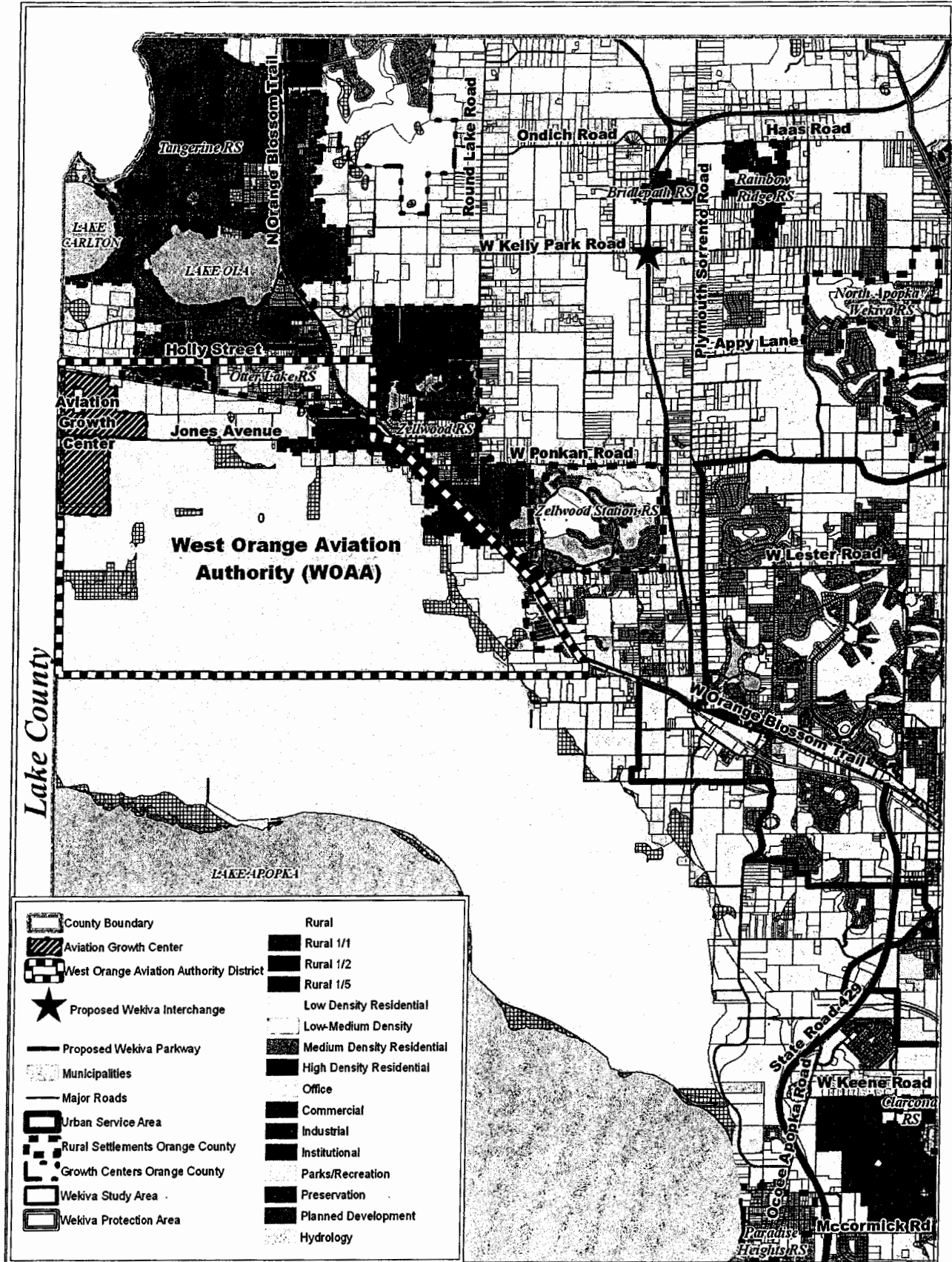
TOGETHER WITH,

That portion of the below-described property lying in Orange County, Florida, to wit:

DESCRIPTION:

BEGINNING AT THE NORTH 1/4 CORNER OF SECTION 30, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN S01°53'16"E ALONG THE NORTH-SOUTH CENTER OF SECTION LINE A DISTANCE OF 2,414.78 FEET; THENCE RUN N89°01'32"W A DISTANCE OF 300.73 FEET; THENCE RUN N01°53'16"W A DISTANCE OF 403.35 FEET; THENCE RUN S89°28'45"W A DISTANCE OF 2,245.23 FEET; THENCE RUN N00°14'57"W A DISTANCE OF 180.00 FEET; THENCE RUN N89°28'45"E A DISTANCE OF 2,240.08 FEET; THENCE RUN N01°53'16"W A DISTANCE OF 1,818.40 FEET; THENCE RUN N01°07'05"W A DISTANCE OF 1,462.34 FEET TO THE SOUTH RIGHT OF WAY LINE OF DUDA AVENUE - JONES ROAD; THENCE RUN S87°12'47"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 300.70 FEET; THENCE RUN S01°07'05"E ALONG THE NORTH-SOUTH CENTER OF SECTION LINE OF SECTION 19, TOWNSHIP 20 SOUTH, RANGE 27 EAST A DISTANCE OF 1,439.85 FEET TO THE POINT OF BEGINNING.

Said property also being described as Orange County Parcel ID Number 30-20-27-0000-00-003.



DISCLAIMER:
Data is provided "as is" without warranty of any representation of accuracy, timeliness, or completeness. The burden of determining accuracy, completeness, timeliness, availability and fitness for use or the appropriateness for a particular purpose rests on the user. The County makes no warranty, express or implied, as to the use of the Data. There is no implied or assumed warranty of merchantability or fitness for a particular purpose. The user acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and is a constant state of maintenance, correction, and updates.

Source: Orange County Growth Management Department, Planning Division 2011



ZONING DIVISION

MITCH GORDON, Manager

201 South Rosalind Avenue, 1st Floor • Reply To: Post Office Box 2687 • Orlando, Florida 32802-2687
407-836-3111 • Fax 407-836-5507
www.orangecountyfl.net

January 24, 2011

Tim Boldig
Assistant Manager

Mr. Rodger Anderson
9003 Pinnacle Circle
Windermere, FL 34786

Chief Planners

Carol Hossfield
Permitting

Rocco Relvini
BZA Coordination

RE: Agrisys Project @ Long & Scott Property
Parcel ID: 19-20-27-0000-00-003 & 19-20-27-0000-00-008
Zoning: A-1 (Agriculture)

Bob Windom
Project Review

Dear Mr. Anderson:

Based upon additional information provided, I have reviewed your request to utilize the subject parcels for the production, processing and refining of algae. Such use would allow for the algae to be converted into its constituent parts to include, Omega 3 oils, food grade oils, green gasoline, green jet fuel, and green diesel.

The proposed Agrisys operation will include ponds to grow algae, and will involve the harvesting, extraction and storage of the algae lipids in temporary tanks. The algae will be processed via an extraction process to separate the lipids from the algae. The lipids would be processed/refined to extract its constituent elements.

The site is proposed to house ponds and a processing/refining facility, with the proposed facility at approximately 10,000 square feet. Final approval will be contingent upon review and approval of construction plans, consistent with applicable regulations.

As described, this process is consistent with agricultural production permitted in the A-1 zoning district. Therefore, this office will approve the proposed use on the subject parcels. Please note that this office views this project as a "pilot" program. As you have been in discussion with the Planning Division regarding amendments to the Comprehensive Plan, it should be anticipated that expansion to this "pilot" program would require amendments to the Comprehensive Plan.

If there are any other questions, please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitch Gordon".

Mitch Gordon

PREPARED BY AND RETURN TO:
Christopher Roper, Esq.
AKERMAN SENTERFITT
Post Office Box 231
Orlando, FL 32802

**DEVELOPER'S AGREEMENT
FOR
MITIGATION OF DEVELOPMENT IMPACTS
RELATED TO LONG AND SCOTT FARMS'
PROPOSED AVIATION GROWTH CENTER/PLANNED DEVELOPMENT**

This **DEVELOPER'S AGREEMENT FOR MITIGATION OF DEVELOPMENT IMPACTS** ("Agreement") is entered this ____ day of _____, 2012, by and between LONG AND SCOTT FARMS FAMILY LIMITED PARTNERSHIP, a Florida limited partnership ("Long and Scott") and ORLANDO NORTH AIRPARK, INC., a Florida corporation ("Airpark"), and/or their successors or assigns (collectively, "DEVELOPER"), and LAKE COUNTY, FLORIDA, a political subdivision of the State of Florida ("COUNTY").

WITNESSETH

WHEREAS, Long and Scott is the fee simple owner of real property located in Orange County, Florida and described on **Exhibit "A"**, attached hereto and incorporated herein (the "Long and Scott Property"); and

WHEREAS, Airpark is the fee simple owner of real property located in Orange County, Florida and described on **Exhibit "B"**, attached hereto and incorporated herein (the "Airpark Property"); and

WHEREAS, the Long and Scott Property and the Airpark Property (collectively, the "Property") are contiguous with one another and are generally located in Orange County at the west end of Jones Avenue at the Orange County/Lake County boundary line and consist of a total of approximately 438+/- acres; and

WHEREAS, the Long and Scott Property includes Long and Scott Farms and the Airpark Property includes Orlando North Airpark, a privately owned airport facility with fifty hangars for single engine and light twin engine planes; and

WHEREAS, the Long and Scott Property and the Airpark Property are labeled and depicted in the aerial photograph attached hereto and incorporated herein as **Exhibit "C"**; and

WHEREAS, DEVELOPER, as fee simple owner of the Property, now desires to develop the Property with a mix of 750,000 square feet of aviation-related and ancillary uses, 2.8 million square feet of industrial uses, 50,000 square feet of commercial uses and 150,000 square feet of office uses (the "Proposed Development"); and

WHEREAS, in order to develop the Property as proposed, DEVELOPER applied to the Orange County Planning Division for an amendment (2010-1-A-2-1) to the Orange County Comprehensive Plan, in order to change the future land use category of the portion of the Property within Orange County from "R" (Rural/Agricultural) to "AGC" (Aviation Growth Center) (the "Amendment"); and

WHEREAS, the Amendment became effective following adoption of Ordinance No. 2011-08 by the Orange County Board of County Commissioners on June 21, 2011; and

WHEREAS, the Proposed Development will detrimentally affect the level of service of Lake County's transportation facilities, given the Property's location at the Orange County/Lake County boundary line; and

WHEREAS, the aforementioned impacts were expressly acknowledged by Orange County in the Amendment which requires the mitigation of impacts to the Lake County transportation network and that such impacts be addressed prior to PD/LUP approval in Orange County; and

WHEREAS, accordingly, DEVELOPER and COUNTY are entering into this Agreement to identify a mutually agreed-upon strategy to address the Proposed Development's regional impacts and to mitigate the impacts to Lake County services and facilities.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto agree as follows:

1. **RECITALS**. The above Recitals are true and accurate and are incorporated herein by this reference.

2. **MITIGATION STRATEGY**.

(i) Prior to obtaining the first site plan approval in Orange County for a new use on the Property that is not authorized under Orange County's A-1 or A-2 Agricultural Zoning Districts, the DEVELOPER shall submit a revised Traffic Impact Study (TIS) to the Lake-Sumter Metropolitan Planning Organization and the Lake County Public Works Department. The revised TIS shall include all Lake County roadway segments in an area of influence that is consistent with the Traffic Impact Study Methodology Guidelines of the Lake-Sumter MPO. At a minimum, the following segments shall be fully analyzed for daily and P.M. peak hour conditions: 1) C.R. 48 from C.R. 561 to Ranch Road; 2) C.R. 48 from Ranch Road to C.R. 448A; 3) C.R. 448 from C.R. 561 to Lake Industrial Blvd.; 4) C.R. 448 from Lake Industrial Blvd. to the Orange County Line; 5) C.R. 448A from C.R. 448 to C.R. 48; 6) C.R. 448A from C.R. 48 to South Termini; 6) C.R. 561 from S.R. 19 to C.R. 448; 7) C.R. 561 from C.R. 448 to C.R. 48; 8) C.R. 561 from C.R. 48 to the S. Astatula City Limit; 8) Duda Road from C.R. 448 to the Orange County Line; and 9) S.R. 19 from C.R. 561 to U.S. 441.

(ii) In any revised TIS submitted to COUNTY and the Lake-Sumter MPO in accordance with subsection (i) above, the DEVELOPER shall correct, within the revised TIS, errors contained within the existing traffic study, and shall perform renewed analysis within the TIS itself and the tables in the supporting documentation. Specifically, tables 1, 2, 4A, 4B, 5A, 5B, 6 and 7 of the existing traffic study shall be reevaluated with regard to the two segments of US 441/Orange Blossom Trail in Lake County. Because the analysis did not utilize the existing and committed trips, the peak hour peak direction total traffic shall be revised. The TIS shall use data from the most current Transportation Management System database.

(iii) In addition to submitting a revised TIS in accordance with subsections (i) and (ii) above, the DEVELOPER shall submit a Phasing Plan for the Proposed Development to the COUNTY for approval prior to obtaining the first site plan approval in Orange County for a new use on the Property that is not authorized under Orange County's A-1 or A-2 Agricultural Zoning Districts. In the event that the COUNTY and the DEVELOPER fail to agree on a Phasing Plan, then the phasing of the Proposed Development shall be set at 30%, 60%, and 90% buildout of the project. In order for the COUNTY to manage its concurrency system, the DEVELOPER shall submit transportation monitoring and modeling (M&M) reports to Lake County at the completion of each Phase of the project, and prior to entering the next Phase.

(iv) The DEVELOPER shall have the option of mitigating at each individual site plan submittal or at each Phase of the Proposed Development. DEVELOPER shall inform COUNTY of its election as to mitigation by phases or by site plan approval prior to DEVELOPER submitting for the first site plan approval for any portion of the Proposed Development in Orange County. Should the DEVELOPER opt to mitigate by phasing, then the DEVELOPER and the COUNTY shall enter into a Proportionate Fair Share Agreement ("PFS") based on the formula contained in Section 163.3180(5), F.S., as amended, and, to the extent not inconsistent with said statute, the COUNTY's Land Development Regulations prior to the Development entering the next Phase; otherwise, a PFS shall occur prior to each individual site plan approval. The DEVELOPER shall not be required to comply with the COUNTY's procedures for encumbering or reserving capacity for the Proposed Development, or any Phase thereof. PFS payment to the COUNTY from the DEVELOPER shall occur at the time negotiated in the PFS Agreement. If the COUNTY and the DEVELOPER are unable to reach an agreement for PFS, then: (a) the Proposed Development shall not enter into the next Phase, if the DEVELOPER opts to mitigate by Phase; or (b) the DEVELOPER shall not obtain approval of the individual site plan that is the subject of the required PFS, if the DEVELOPER opts to mitigate at each individual site plan approval. If the DEVELOPER opts to mitigate at each individual site plan approval, the failure of one owner of the Property to reach an agreement with the COUNTY for the PFS shall not affect the ability of another owner of the Property to obtain site plan approval provided such owner reaches an agreement with the COUNTY for the PFS applicable to such owner's site plan.

(v) The COUNTY acknowledges and agrees that any development that occurs on the Property that is consistent with the A-1 or A-2 Agricultural Zoning Districts in Orange County, including, but not limited to, development of an algae-based biofuels production facility as previously approved by Orange County and described in **Exhibit "D"** attached hereto and incorporated herein, is exempt from the terms of this Agreement.

3. **ORANGE COUNTY AMENDMENT.** COUNTY agrees that this Agreement adequately addresses the impacts of the Proposed Development to the Lake County transportation network in satisfaction of the applicable conditions set forth in the Amendment approved by Orange County.

4. **BINDING EFFECT.** This Agreement shall be binding upon and inure to the benefit and burden of the parties and their respective successors and assigns. The terms and conditions of this Agreement shall burden, benefit and shall run with title to the Property. However, upon DEVELOPER's conveyance or transfer of all or any portion of the Property, DEVELOPER shall be released from all obligations under this Agreement with respect to such portion of the Property so conveyed or transferred.

5. **ENTIRE AGREEMENT.** This Agreement embodies and constitutes the entire understanding of the parties with respect to the subject matters addressed herein. No rights, duties or obligations of the parties shall be created unless specifically set forth in this Agreement.

6. **AMENDMENTS TO AGREEMENT.** No modification, amendment or alteration of the terms or conditions contained herein shall be effective or binding upon the parties hereto unless the same is contained in a written instrument executed by the parties, with the same formality, and of equal dignity herewith.

7. **WAIVER.** Failure to enforce any provision of this Agreement by either party shall not be considered a waiver of the right to later enforce that or any other provision of this Agreement.

8. **GOVERNING LAW.** This Agreement and the rights and obligations created hereunder shall be interpreted, construed and enforced in accordance with the laws of the United States and the State of Florida. If any litigation should be brought in connection with this Agreement, venue shall lie in Lake County, Florida.

9. **SEVERABILITY.** If any provision of this Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby but rather shall be enforced to the greatest extent permitted by law.

10. **RECORDING.** Upon approval and execution of this Agreement by the COUNTY, the DEVELOPER shall record and pay for all costs of recording this Agreement in the Public Records of Lake and Orange Counties.

11. **NOTICES.** Any notice, request, demand, instruction or other communication to be given to either party under this Agreement shall be in writing and shall be hand delivered, sent by Federal Express or a comparable overnight mail service, or by U.S. Registered or Certified Mail, return receipt requested, postage prepaid, to COUNTY and to DEVELOPER at their respective addresses below:

To DEVELOPER: Long & Scott Farms Family Limited Partnership
P.O. Box 1228
Zellwood, Florida 32798

Orlando North Airpark, Inc.
2849 Lust Road
Apopka, Florida 32703

with a copy to: Akerman Senterfitt
P.O. Box 231
Orlando, FL 32802
Attention: Christopher Roper, Esq.

To COUNTY: Lake County Division of Planning and Community Design
P.O. Box 7800
Tavares, FL 32778
Attention: Brian T. Sheahan, AICP, Director

with a copy to: Lake County Attorney's Office
P.O. Box 7800
Tavares, FL 32778

[Signatures contained on following pages]

DEVELOPER'S AGREEMENT FOR MITIGATION OF DEVELOPMENT IMPACTS RELATED TO LONG AND SCOTT FARMS' PROPOSED AVIATION GROWTH CENTER/PLANNED DEVELOPMENT

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the respective dates under each signature: COUNTY through its Board of County Commissioners, signing by and through its Chairman, authorized to execute same by Board action on the ____ day of _____, 2012, and by DEVELOPER through its duly authorized representatives.

COUNTY

LAKE COUNTY, through its BOARD
OF COUNTY COMMISSIONERS

ATTEST:

Neil Kelly, Clerk to the Board of
County Commissioners, Lake County

Leslie Campione
Chair

Date

Approved as to form and legality:

Sanford A. Minkoff
County Attorney

DEVELOPER'S AGREEMENT FOR MITIGATION OF DEVELOPMENT IMPACTS RELATED TO LONG AND SCOTT FARMS' PROPOSED AVIATION GROWTH CENTER/PLANNED DEVELOPMENT

DEVELOPER

Long and Scott Farms Family Limited Partnership, a Florida Limited Partnership

Signed, sealed and delivered in the presence of:

BY: Long and Scott Farms, Inc., a Florida Profit Corporation, Its General Partner

BY: Frank D. Scott III, its President

Name: _____
Date: _____

Frank D. Scott III, as President of Long and Scott Farms, Inc.

Name: _____
Date: _____

Date: _____

State of Florida
County of _____

The foregoing instrument was acknowledged before me this _____ of _____, 2012, by Frank D. Scott III, as President of Long and Scott Farms, Inc., who is personally known to me or who produced _____ as identification.

Notary Public
My Commission Expires:

Printed name of Notary

-Notary Stamp-

DEVELOPER'S AGREEMENT FOR MITIGATION OF DEVELOPMENT IMPACTS RELATED TO LONG AND SCOTT FARMS' PROPOSED AVIATION GROWTH CENTER/PLANNED DEVELOPMENT

DEVELOPER

Orlando North Airpark, Inc., a Florida corporation

**Signed, sealed and delivered
in the presence of:**

Name: _____
Date: _____

William D. Long, Sr., as President of
Orlando North Airpark, Inc.

Date: _____

Name: _____
Date: _____

State of Florida
County of _____

The foregoing instrument was acknowledged before me this ____ of _____, 2012, by William D. Long, Sr., as President of Orlando North Airpark, Inc., who is personally known to me or who produced _____ as identification.

Notary Public
My Commission Expires:

Printed name of Notary

-Notary Stamp-

Exhibit "A"

A. Legal Description of Long and Scott Farms Family Limited Partnership Property Lying in Orange County

That portion of the below-described property lying in Orange County, Florida, to wit:

Parcel B (Orange County Property):

Parcel B.1

That part of the SW 1/4 of Section 19, Township 20 South, Range 27 East, Orange County, Florida, lying South of the Zellwood-Lake Jem Road. Also, the NW 1/4 of Section 20, Township 20 South, Range 27 East, Less the following described property:

BEGIN at the SW corner of the NW 1/4 of Section 30, Township 20 South, Range 27 East, run S 89°01'32"E, along the South line of the said NW 1/4, 2457.63 feet to the point of beginning; thence run S 89°01'32"E, 100 feet to the SE corner of said NW 1/4; run thence N 01°53'16" W along the East line of Said NW 1/4 2,414.78 feet to the NE corner of said NW 1/4, said corner also being the SE corner of the SW 1/4, said corner also being the SE corner of the SW 1/4 of Section 19, Township 20 South, Range 27 East; run thence N 01°00'05" W along the East line of said SW 1/4 1439.85 feet, to a point located on the Southerly right of way of a county road; run thence N 87°12'47" W a distance of 200 feet along the Southerly right of way of said county road; thence run S01°07'05" E, a distance of 1439.85 feet; thence run S 87°12'47" E a distance of 100 feet; thence run Southerly to the point of beginning.

LESS AND EXCEPT that portion of subject property lying within the lands conveyed in OR Book 7179, Page 4105 and in OR Book 7199, Page 569, public records of Orange County, Florida, described as follows:

BEGINNING AT THE NORTH 1/4 CORNER OF SECTION 30, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN S 01°53'16" E ALONG THE NORTH-SOUTH CENTER OF SECTION LINE A DISTANCE OF 2414.78 FEET; THENCE RUN N 89°01'32" W A DISTANCE OF 300.73 FEET; THENCE RUN N 00°14'57" W A DISTANCE OF 403.35 FEET; THENCE RUN S 89°28'45" W A DISTANCE OF 2,245.23 FEET; THENCE RUN N 00°14'57" W A DISTANCE OF 180.00 FEET; THENCE RUN N 89°28'45" E A DISTANCE 2,240.08 FEET; THENCE RUN N 01°53'16" W A DISTANCE OF 1,818.40 FEET; THENCE RUN N 01°07'05" W A DISTANCE OF 1,462.34 FEET TO THE SOUTH RIGHT OF WAY LINE OF DUDA AVENUE-JONES ROAD; THENCE RUN S 87°12'47" E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 300.70 FEET; THENCE RUN S 01°07'05" E ALONG THE NORTH-SOUTH CENTER OF SECTION LINE OF SECTION 19, TOWNSHIP 20 SOUTH, RANGE 27 EAST A DISTANCE OF 1,439.85 FEET TO THE POINT OF BEGINNING.

PARCEL B.2

Begin at the SE corner of the NE 1/4 of Section 19, Township 20 South, Range 27 East, Orange County, Florida; thence run N 0°16' W 1458.4 feet along the East line of said Section 19, Township 20 South, Range 27 East, to the South right of way line of the Seaboard Airline Railroad; thence run N 80°39' W along said South right of way line 778.75 feet; thence run S 1525.41 feet to the North line of the S 1/4 of said Section 19, Township 20 South, Range 27 East for the point of beginning of this description; from said point of beginning run thence N 85°36'50" W along the North line of said SE 1/4 of Section 19, Township 20 South, Range 27 East 1529.42 feet; thence run S 1264.23 feet to the N. right of way of County Road (Zellwood-Lake Jem Road); run thence S 86°12' E along said North right of way line 1528.35 feet; run thence N.1248.63 feet to the point of beginning.

PARCEL B .3

Begin at the SW corner of the NW 1/4 of Section 19, Township 20 South, Range 27 East, in Orange County, Florida, said point being the SW corner of J. A. HUDSON'S ADDITION TO VICTORIA, as per plat thereof recorded In Plat Book A, page 58, Public Records of Orange County, Florida; run thence N 0°35'50" E 754.0 feet along the West line of said Section 19; thence run S 85°36'50" W 869.94 feet; thence run N 7°01'20" E 316.63 feet; thence run S 80°39' E 287.97 feet; thence run S 0°01'20"W 1045.6 feet to the SE corner of the said HUDSON'S ADDITION; thence run South 1281.51 feet to the North right of way line of County Road (Zellwood-Lake Jem Road); thence run N 86°12' W along said North right of way line 1176.15 feet to the West line of said Section 19; thence run N 0°37'40" E 1291.95 feet to the point of beginning.

ALSO lots 6, 7 and 8 in J.A. HUDSON'S ADDITION TO VICTORIA, a subdivision In Orange County, Florida, according to plat thereof recorded in Plat Book A, page 58, Public Records of Orange County, Florida, ALSO: From the SE corner of Lot 8 in J.A. HUDSON'S ADDITION TO VICTORIA, thence run N 0°01'20" E along the East line of said Lot 8 a distance of 400 feet to the point of beginning. From said point of beginning, run thence S 83°17'40" E 132.8 feet; thence run N 4°32' East 359.1 feet to the Southerly line of the right of way of the Seaboard Coast Line Railroad; thence run N 80°39' W along the said Southerly right of way 162.18 feet to a point on the East line of said Lot 8; thence run S 0°01'20" W along the East line of said Lot 8 a distance of 368.2 feet to the point of beginning.

ALSO Lot 9, less the East two acres of J.A. HUDSON'S ADDITION TO VICTORIA, according to the plat thereof, as recorded in Plat Book A, Page 58, Public Records of Orange County, Florida.

ALSO Lot 5 in J.A, HUDSON'S ADDITION TO VICTORIA, according to the plat thereof, as recorded in Plat Book A, Page 58, Public Records of Orange County, Florida.

LESS, begin at NE corner of Lot 9 of HUDSON'S ADDITION TO VICTORIA, according to plat thereof as recorded in Plat Book A Page 58, Public Records of Orange County, Florida; thence run along the North line of Lot 9, N 80°45'50" W 528.50 feet; thence run S.1286.83 feet; thence run E.521.24 feet to a point in the center of an unpaved drive; thence N. 156.40 feet to a point, said point being the SE corner of Lot 10; thence run along the East line of Lot 10, N 0°01'20" E 1045.60 feet to the point of beginning, TOGETHER with a 30' foot easement for road granted In Warrant Deed recorded November 10, 1975 in OR Book 2658, Page 864, over the following described property:

Begin at the Northeast corner of Lot 9, according to Plat Book A, Page 58, Public Records of Orange County, Florida; Then run along the North line of Lot 9 N 80°45'50" W 528.50 ft., Thence Run South 1286.83 ft., Thence run East 521.24 ft. to a point in the center of an unpaved drive; Thence North 156.40 ft. to a point, said point being the Southeast Corner of Lot 10; Thence run along the East line of Lot 10 N 0°01'20" E 1045.60 ft. to the point of beginning;

Parcel B.4

Begin at the SE corner of the NE 1/4 of Section 19, Township 20 South, Range 27 East, Orange County, Florida; run thence N 0°16' W along the East line of Section 19 1458.4 feet to the South right of way line of Seaboard Airline Railroad; thence run N 80°39' W along the right of way line to the East line of the W 1/4 of the NW 1/4 of the NE 1/4 of Section 19, Township 20 South, Range 27 East; thence run S 0°02'30" E 374.3 feet to the SE corner of the W 1/2 of the NW 1/4 of the NE 1/4 of Section 19; thence run N 87°32'55" W 298.54 feet for the POB of this description; from said POB run South 2523.9 feet to the North right of way line of County Road (Zellwood-Lake km Road); thence N 86°12' W along said North right of way line 1659.3 feet; thence run North 1281.51 feet to the SE corner of J.A. HUDSON'S ADDITION TO VICTORIA, according to plat thereof as recorded in Plat Book A Page 58, Public Records of Orange County, Florida; thence N 0°01'20" E along the East boundary, of said HUDSON'S ADDITION 1445.6 feet; thence S 83°17'40" E 440.8 feet; thence run N 0°17' E 348.0 feet to the South right of way line of the Seaboard Airline Railroad; thence S 80°39' E 800.26 feet; thence S 0°02' W 455.9 feet; thence S 87°32'55" E 366.58 feet to P.O.B.

From the SE corner of Lot 8 J.A. HUDSON'S ADDITION TO VICTORIA, a subdivision of Section 19, Township 20 South, Range 27 East, according to plat thereof recorded in Plat Book A, Page 58, Public Records of Orange County, Florida; thence run North 0°01'20" East along the East boundary of said HUDSON'S ADDITION 400 feet; thence run South 83°17'40" East, 132.8 feet for POINT OF BEGINNING. From said point of beginning run thence North 4°32' East 359.1 feet to the South right of way line of Seaboard Airline Railroad; thence run South 80°39' East along right of way line 283 feet; thence run North 83°17'40" West 308 feet to POINT OF BEGINNING.

Said property also being described as Orange County Parcel ID Numbers: 19-20-27-0000-00-003,19-20-27-0000-00-008, and 30-20-27-0000-00-001.

Exhibit "B"

B. Legal Description of Orlando North Airpark, Inc. Property, Lying in Orange County

That portion of the below-described property lying in Orange County, Florida, to wit:

DESCRIPTION:

BEGINNING AT THE NORTH 1/4 CORNER OF SECTION 30, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN S01°53'16"E ALONG THE NORTH-SOUTH CENTER OF SECTION LINE A DISTANCE OF 2,414.78 FEET; THENCE RUN N89°01'32"W A DISTANCE OF 300.73 FEET; THENCE RUN N01°53'16"W A DISTANCE OF 403.35 FEET; THENCE RUN S89°28'45"W A DISTANCE OF 2,245.23 FEET; THENCE RUN N00°14'57"W A DISTANCE OF 180.00 FEET; THENCE RUN N89°28'45"E A DISTANCE OF 2,240.08 FEET; THENCE RUN N01°53'16"W A DISTANCE OF 1,818.40 FEET; THENCE RUN N01°07'05"W A DISTANCE OF 1,462.34 FEET TO THE SOUTH RIGHT OF WAY LINE OF DUDA AVENUE – JONES ROAD; THENCE RUN S87°12'47"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 300.70 FEET; THENCE RUN S01°07'05"E ALONG THE NORTH-SOUTH CENTER OF SECTION LINE OF SECTION 19, TOWNSHIP 20 SOUTH, RANGE 27 EAST A DISTANCE OF 1,439.85 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING:

**BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 30, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN S01°53'16"E, ALONG THE NORTH-SOUTH CENTER OF SECTION LINE, A DISTANCE OF 2,414.78 FEET; THENCE RUN N89°01'32"W, A DISTANCE OF 300.37 FEET; THENCE RUN N01°53'16"W, A DISTANCE OF 403.35 FEET; THENCE RUN S89°28'45"W, A DISTANCE OF 2,245.23 FEET; THENCE RUN N00°14'57"W, A DISTANCE OF 180.00 FEET; THENCE RUN N89°28'45"E, A DISTANCE OF 2,240.08 FEET; THENCE RUN N01°53'16"W, A DISTANCE OF 1,818.40 FEET; THENCE RUN N01°07'05"W, A DISTANCE OF 1,462.98 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF DUDA ROAD - JONES AVENUE; THENCE RUN S87°05'31"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 300.74 FEET; THENCE RUN S01°07'05"E, ALONG THE NORTH-SOUTH CENTER OF SECTION LINE OF SECTION 19, TOWNSHIP 20 SOUTH, RANGE 27 EAST, A DISTANCE OF 1,439.85 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN ORANGE COUNTY, FLORIDA.
LESS THE EAST 300 FEET THEREOF.**

Said property also being described as a portion of Orange County Parcel ID Number 30-20-27-0000-00-003.

Exhibit "C"

AERIAL PHOTO OF LONG & SCOTT AND AIRPARK PROPERTIES

[One (1) Page]

Lake Co
Orange Co



WDDAA
Property
(not included)

Long &
Scott
Property

Air Park
Property

Jones Rd.



LONG AND SCOTT FARMS - GROWTH CENTER
ORANGE COUNTY, FLORIDA
CONCEPTUAL LAND USE PLAN

DISCLAIMER: ENGINEER HAS CONDUCTED VISUAL GENERAL REVIEW OF THE DEVELOPMENT AND IS NOT BASED UPON ANY SURVEY OR CONSTRUCTION INFORMATION IN RECORD OR OWNED.

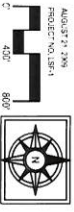


Exhibit "D"

ORANGE COUNTY APPROVAL OF ALGAE-BASED BIOFUEL PILOT PROGRAM

[One (1) Page]



ZONING DIVISION

MITCH GORDON, Manager

201 South Rosalind Avenue, 1st Floor • Reply To: Post Office Box 2687 • Orlando, Florida 32802-2687
407-836-3111 • Fax 407-836-5507
www.orangecountyfl.net

January 24, 2011

Tim Boldig
Assistant Manager

Mr. Rodger Anderson
9003 Pinnacle Circle
Windermere, FL 34786

Chief Planners

Carol Hossfield
Permitting

Rocco Relvini
BZA Coordination

Bob Windom
Project Review

RE: Agrisys Project @ Long & Scott Property
Parcel ID: 19-20-27-0000-00-003 & 19-20-27-0000-00-008
Zoning: A-1 (Agriculture)

Dear Mr. Anderson:

Based upon additional information provided, I have reviewed your request to utilize the subject parcels for the production, processing and refining of algae. Such use would allow for the algae to be converted into its constituent parts to include, Omega 3 oils, food grade oils, green gasoline, green jet fuel, and green diesel.

The proposed Agrisys operation will include ponds to grow algae, and will involve the harvesting, extraction and storage of the algae lipids in temporary tanks. The algae will be processed via an extraction process to separate the lipids from the algae. The lipids would be processed/refined to extract its constituent elements.

The site is proposed to house ponds and a processing/refining facility, with the proposed facility at approximately 10,000 square feet. Final approval will be contingent upon review and approval of construction plans, consistent with applicable regulations.

As described, this process is consistent with agricultural production permitted in the A-1 zoning district. Therefore, this office will approve the proposed use on the subject parcels. Please note that this office views this project as a "pilot" program. As you have been in discussion with the Planning Division regarding amendments to the Comprehensive Plan, it should be anticipated that expansion to this "pilot" program would require amendments to the Comprehensive Plan.

If there are any other questions, please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitch Gordon", written over a horizontal line.

Mitch Gordon